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EXAMINER

AL-HASHEMI, SANA A

ART UNIT PAPER NUMBER

2171

DATE MAILED: 04/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/519,935

Applicant(s)

WUCHERER ET AL.

Examiner

Sana Al-Hashemi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 07 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 07 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. Claims 1-31 are presented for examination.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 25 is rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Claim 25 is depending on it's self "indefinite".

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 11-15, 20, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Davies et al. (US 5,931,907).
4. Regarding Claims 1 and 22, Davies discloses carrier medium a method of implement instructions executable by a host computer system in response to a first database storing first data received from a first computer system (see Fig. 2 step 115, Davies), the host computer system reading the first data stored in the first database and storing the first data in a second database (see Fig. 2 step 105, Davies), wherein the first computer system is in data communication with the host computer system and the first

database (see Fig. 2 step 120, Davies) the host computer system generating a first message indicating that the data contents of the first database has been modified (see Fig. 8 step 804, Davies), and the host computer system transmitting the first message to a second computer system (see Fig 4 step 100, Davies), wherein the second computer system is in data communication with the host computer system and the second database (see Fig. 2 step 115, Davies).

5. Regarding Claim 2, Davies discloses carrier medium in response to the second database storing second data received from the second computer system (see Fig. 2 step 115, Davies), the host computer system reading the second data stored in the second database (see Fig. 2 step 105, Davies), and storing the second data in the first database (see Fig 2 step 115, Davies); the computer system generating a second message indicating that the data contents of the second database has been modified (see Fig. 8 step 804, Davies), and the computer system transmitting the second message to the first computer system (see Fig. 2 step 115, Davies).

6. Regarding Claim 3, Davies discloses a method of host computer system (Fig. 2 step 105, Davies), reading the first data stored in the first database and storing the read first data in a third database (see Fig. 1 step 405, Davies), in response to the first database storing first data received from the first computer system (Fig. 2 step 115, Davies), wherein the third database is in data communication with a third computer system (see Fig. 1 step 405, Davies), and the host computer system (see Fig. 1, step 410, Davies).

7. Regarding Claim 4, Davies discloses a method of host computer system monitoring the first database for predetermined changes to data stored therein, wherein the host computer system generates the message in response to the host computer system detecting that the first data is stored in the first database (see Fig. 8 step 804, column 6, lines 40-43, Davies).

8. Regarding Claim 5, Davies discloses a method of host computer system storing the first data in a central database, wherein the central database is in data communication with the host computer system,

wherein the host computer system stores the first data in the central database in response to the host computer system detecting that the first data is stored in the first database (see Fig. 4 step 100, column 7, lines 55-60, Davies).

9. Regarding Claim 11, 13, and 24, Davies discloses instructions executable by a host computer system (see Fig. 2 step 100, Davies), to implement a method of the host computer system monitoring a plurality of transactions to a first database (see Fig. 2 step 115, Davies), wherein each of the plurality of transactions store data in the first database, wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction (see Fig. 2 step 100, column 7, lines 61-67, Davies).

10. Regarding Claim 12, Davies discloses host computer system reading the first data stored in the first database in response to the host computer detecting the match; the host computer translating the first data into translated first data in response to the host computer detecting the match; the host storing the translated first data into another database in data communication with the host computer system in response to the host computer detecting the match (see column 9, lines 38-40, Davies).

11. Regarding Claim 14, Davies discloses a method of the host computer generating a message indicating that first data has been stored in the first data base by the one of the plurality of transactions; the host computer transmitting the message to a second computer system in data communication with the host computer (see Fig 8 step 804, column 6, lines 39-41, Davies).

12. Regarding Claim 15 and 20, Davies discloses a host computer system( Fig. 2 step 105, Davies); a central data base (Fig. 2 step 100, Davies), in data communication with the host computer system( Fig. 2 step 105, Davies); first and second databases (Fig. 2 step 115, Davies)in data communication with the host computer system( Fig. 2 step 105, Davies); first and second computer systems in data communication with the first and second databases (see Fig. 2 Step 120, Davies), respectively; wherein the first database is configured to store first data received from the first computer system (Fig. 2 step

115, Davies); wherein the host computer system (Fig. 2 step 105, Davies) is configured to monitor a plurality of transactions to a first database (see Fig. 5 step 504, Davies), wherein each of the plurality of transactions stores data in the first database (see Fig. 7 step 703, Davies), wherein monitoring the plurality of transactions comprises comparing the plurality of transactions against a predetermined transaction (see Fig. 7 step 702, Davies); wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction (see Fig. 2 step 105, Davies); wherein the host computer system is configured to read the first data from the first database and store the first data in one of the second database and the central database (see Fig. 7 step 703, Davies); wherein the host computer system is configured to read the first data from the first database and store the first data in one of the second database and the central database (see Fig. 7 step 703, Davies) in response to the host computer detecting the match between the one of the plurality of transactions to the first database and the predetermined transaction (see Fig. 7 step 703, Davies).  
(see column 8, lines 49-56, and column 3, lines 63-67 and column 4, lines 1-9, Davies).

13. Regarding Claim 20, Davies discloses a central data base in data communication with the host computer system; first and second database in data communication with the first and second database, respectively; wherein the first database is configured to store first data received from the first computer system; wherein the host computer system is configured to monitor a plurality of transactions to first database, wherein each of the plurality of transactions stores data in the first database, wherein monitoring the plurality of transactions comprise comparing the plurality of transactions against a predetermined transaction; wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction; wherein the host computer system is configured to generate a message indicating that the one of the wherein the host computer system is configured to detect a match between one of the plurality of transactions to the first database and the predetermined transaction; wherein the host computer system is configured to generate a message indicating that the one of the plurality of transactions stored first data in the first database,

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wherein the host computer system generates the message in response to the host computer system detecting the match between the one of the plurality of transactions and the predetermined transaction; wherein the host computer system is configured to transmit the message to the second computer system in data communication with the host computer system (see column 3, lines 63-67 and column 4, lines 1-9, Davies).

14. Regarding Claim 23, Davies discloses a method further comprises the second computer transmitting the second message to the first computer system (see column 6, lines 52-55, Davies).

### ***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 21, 26 and 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of Fowlow et al. (US 5,991,535).

16. Regarding Claims 6, 21, 26 and 31, Davies discloses all of the claimed subject matter except for the object-oriented representation of a component for a construction-building project. However, Fowlow, on the other hand, discloses the construction software. It would have been obvious to one of ordinary skill in the art to use Fowlow's invention (construction software) and install it on Davies invention (hardware). The motivation would have been to expand the utility of the Davies system and thereby increase the usable marketshare. Also, the software needs to run on some type of plat-form.

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17. Regarding Claim 6, 21, 26 and 31, Fowlow discloses a first data comprises an Object oriented representation of construction building project; the overall system is construction management software (column 3, lines 60-66, Fowlow).

18. Regarding Claims 7 and 16, Fowlow discloses the first computer system executes computer aided design software (see abstract, Fowlow).

19. Regarding Claims 8 and 17, Fowlow discloses the first computer system executes computer aided design software for the construction building industry (see abstract, Fowlow).

20. Regarding Claim 25, Fowlow discloses another database stores data specifying components of a project to be build (see column 3, lines 20-26, Fowlow).

21. Regarding Claim 27, Fowlow discloses the second computer system executes construction management software for the construction building industry (see Fig.9 step 902, column 13, lines 47-53, Fowlow).

22. Regarding Claim 28, Fowlow discloses the second computer system is configured to execute software for managing a project financial budget (see Column 10, lines 43-52, Fowlow).

23. Regarding Claim 29, Fowlow discloses the second computer system is configured to execute software for managing building contractors (see Column 7, lines 28-33, Fowlow).

24. Regarding Claim 30, Fowlow discloses the second computer system is configured to facility management software (see column 6, lines 38-44, Fowlow).

Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies in view of Burfield (US 6,363,362).

25. Regarding Claims 9 and 18, Davies discloses all of the claimed subject matter except for the installation of accounting software. However, Burfield, on the other hand, discloses the accounting software. It would have been obvious to one of ordinary skill in the art to use Burfield's invention



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(accounting software) and install it on Davies invention (hardware). The motivation would have been to expand the utility of the Davies system and thereby increase the usable markets here. Also, the software needs to run on some type of platform.

26. Regarding Claims 9 and 18, discloses the first and second computer system executes accounting software (see Fig. 1 step 1000, column 16, lines 25-36, Burfield).

Claim 10 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Davies and Fowlow as applied to claims 1-9, 11-18 and 20-31 above, and further in view of Burfield.

27. Regarding Claims 10 and 19, the combination of Davies and Fowlow disclose all of the claimed subject matter except for the installation of accounting software. However, Burfield in the other hand, discloses the accounting software, and Fowlow discloses the construction software, it would have been obvious to one of ordinary skill in the art to install both (the construction and the accounting software) combine the Davies invention (hardware) in view of Burfield's invention (accounting software), and in view of Fowlow's invention (construction software), Fowlow and Burfield disclose the second computer system executes accounting software for the construction building industry (see Fig. 1 step 1000 Burfield and column 3, lines 60-65, Fowlow).

The motivation would have been to expand the utility of the Davies system and thereby increase the usable markets here. Also, the software needs to run on some type of platform.

#### ***Other Prior Art Made of Record***

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**Points of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sana Al-Hashemi whose telephone number is (703) 305-4881. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436. Any response to this office action should be mailed to: The Commissioner of Patents and Trademarks, Washington, D.C. 20231. Or telefax at phone number (703) 746-9098. For formal or draft communications, please label "PROPOSED" or "DRAFT". Hand-delivered response should be brought to

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April 22, 2002



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